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PPLICATION NO. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/088,494 03/27/2002	Susumu Shimizu	108384-00048	9727
6449 7590 11/05/2003 ROTHWELL, FIGG, ERNST & MANBECK, P.C.		EXAMINER	
		YEE, DE	YEE, DEBORAH
1425 K STREET, N.W.		ART UNIT	PAPER NUMBER
SUITE 800 WASHINGTON, DC 20005		1742	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Application (No. 1008484 SHIMIZU ET AL.			$M \nearrow$		
Examiner Deborah Yee 1742 1742 1742 1742 1742 1742 1742 1742 1742 1742 1744 1745 174	•	Application No.	Applicant(s)		
Deborah Yee 1742		10/088,494	SHIMIZU ET AL.		
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Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of three may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled Extensions of three may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled Extensions of three may be available under the provisions of 37 CFR 1.35(a), which the statutory minimum of thinly (30) days will be considered timely. Extension of the provision of Claims A) Claim (S) 1.4 is action is FINAL. 2b) This action is replaced the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim (S) 1.4 is/are pending in the application. 4a) Of the above claim (s) is a provision of the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim (S) 1.4 is/are pending in the application. 4a) Of the above claim (s) is/are vibration of allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim (S) 1.4 is/are pending in the application. 4a) Of the above claim (s) is/are vibration and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing (s) filled on 27 March 2002 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The proposed drawing correction filled on					
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be validable under the provision of 3 CFR 1.13(c). In nevent, however, may a reply be timely filled after SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (6) MONTHS from the mailing date of this communication. **Prior SX (7) MONTHS from the mailing date of this communication. **Prior SX (7) MONTHS from the mailing date of this communication. **Prior SX (7) MONTHS from the mailing date of this communication. **Prior SX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of this communication. **Prior TX (7) MONTHS from the mailing date of t		ears on the cover sheet with the c	orrespondence address		
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Application/Control Number: 10/088,494

Art Unit: 1742

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 2 is rejected under 35 U.S.C. 102(a) as being anticipated by Miyagawa publication, submitted by International Search Report.

Miyagawa publication on page 111 in Table 1 discloses a precious metal-based amorphous alloy which meets the claimed composition. Note that Miyagawa publication was published on January 18, 2000 which is before applicant's foreign priority dates of August 7, 2000 and September 1, 2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa et al. publication.

Miyagawa publication on page 111 in Table 1 discloses a precious metal-based amorphous alloy which meets the claimed composition. Although prior art does not teach solidifying the alloy in a molten state at a cooling rate as recited by claim 4, such rate would be expected since an amorphous structure similar to the present invention is

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formed. Moreover, note that in a product-by-process claim, the patentability is determined by the product per se and not the process limitations. Applicant will have the burden to show that the prior art product does not necessarily or inherently possess the characteristics of the claimed product.

Response to Arguments

Applicant's arguments filed 8-22-03 and 9-25-03 have been fully considered but they are not persuasive. Miyagawa was published on January 18,2000 which is before applicant's foreign priority dates of August 7, 2000 and September 1, 2000.

Allowable Subject Matter

Claims 1 and 3 are allowed.

The following is an examiner's statement of reasons for allowance: The art of record does not teach or fairly suggest the precious metal-based amorphous alloy having a Pt-Cu-P based structure, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Yee whose telephone number is 703-308-1102. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 703-308-1146. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DEBORAHYEE

PRIMARY EXAMINER

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